

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH - NORTHERN DIVISION

FILED
U.S. DISTRICT COURT

IRVING KARL BIGELOW,

Plaintiff,

vs.

SOCIAL SECURITY ADMINISTRATION,
et al.

Defendants.

2008 SEP 15 A 9:55

DISTRICT OF UTAH
**ORDER ADOPTING REPORT
AND RECOMMENDATION**
DEPUTY CLERK

Case No. 2:08-CV-626

Judge Dee Benson

Before the Court is the Report and Recommendation issued by United States Magistrate Judge David Nuffer on September 8, 2008, recommending that Plaintiff's motion for temporary restraining order be denied. This recommendation is made on the basis that Plaintiff's motion is procedurally defective. Namely, it is not supported by the necessary documents as required by the Federal Rules of Civil Procedure. *See* Fed. R. Civ. P. 65.

Furthermore, Plaintiff's motion seeks to restrain the state of Utah's courts. Docket No. 10, at 1. The United States Supreme Court has held that federal courts may enjoin proceedings in state courts only in the rarest of circumstances. *Younger v. Harris*, 401 U.S. 37, 45 (1971).

Having reviewed all relevant materials, including the reasoning set forth in the Magistrate Judge's Report and Recommendation, the Court ADOPTS the Report and Recommendation and Plaintiff's motion for temporary restraining order is DENIED.

IT IS SO ORDERED

DATED this 13th day of September, 2008.



Dee Benson
United States District Judge